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1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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R. HIGA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

06-1-0265

IN THE MATTER OF THE
APPLICATION OF THE STATE OF
HAWAII FOR A WRIT OF HABEAS
CORPUS AD PROSEQUENDUM RE
JAY PADAYAO,

Defendant.

) S. P. NO. _____
) (Cr. Nos. 05-1-0911 and 06-1-1384)
)
) APPLICATION FOR WRIT OF HABEAS
) CORPUS AD PROSEQUENDUM; ORDER
) DIRECTING ISSUANCE OF WRIT OF
) HABEAS CORPUS AD
) PROSEQUENDUM; WRIT OF HABEAS
) CORPUS AD PROSEQUENDUM
)

APPLICATION FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE DERRICK H. M. CHAN, JUDGE OF THE ABOVE ENTITLED COURT:

Comes now the STATE OF HAWAII, by and through Scott Bell, Deputy Prosecuting Attorney of the City and County of Honolulu, State of Hawaii, and respectfully alleges as follows:

1. That JAY PADAYAO has two cases in the Circuit Court of the First Circuit, Honolulu, Hawaii, Criminal Nos. 05-1-0911 and 06-1-1384;
2. In Criminal No. 05-1-0911, jury trial is scheduled for the week of August 21, 2006.

EXHIBIT "B"

3. In Criminal No. 06-1-1384, arraignment and plea is scheduled for August 17, 2006, 8:30 a.m., before the Honorable DERRICK H. M. CHAN, Judge of the Circuit Court of the First Circuit.

4. That said Defendant is now imprisoned as a federal prisoner under the custody of the UNITED STATES MARSHAL, District of Hawaii, and is being detained at the Federal Detention Center, Honolulu, Hawaii, and

5. That in order to procure Defendant's presence in the Circuit Court of the First Circuit, it is necessary that a Writ of Habeas Corpus ad Prosequendum be issued, pursuant to Chapter 660, Hawaii Revised Statutes.

WHEREFORE, Applicant prays that the Clerk of this Court be directed to issue a Writ of Habeas Corpus ad Prosequendum commanding the:

UNITED STATES MARSHAL, District of Hawaii, or his/her deputy to make available the body of JAY PADAYAO to State of Hawaii Officials on August 16, 2006, and at any time or times deemed necessary until the conclusion of Criminal Nos. 05-1-0911 and 06-1-1384; and

STATE OF HAWAII OFFICIALS, upon taking custody of said Defendant, to:

1. execute Bench Warrant issued in Criminal No. 06-1-1384;
2. retain custody of the Defendant and he/she shall be confined with the Department of Public Safety, State of Hawaii, during the pendency of these proceedings;
3. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, on August 17, 2006;
4. bring the said Defendant before the Presiding Judge of the Circuit Court of the First Circuit at any time or times deemed necessary until the conclusion of Criminal Nos. 05-1-0911 and 06-1-1384; and thereafter

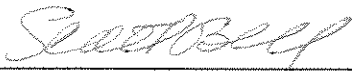
5. retain custody of the Defendant and he/she shall be confined with the Department of Public Safety, State of Hawaii, during the pendency of these proceedings; and thereafter

6. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, each time.

Dated at Honolulu, Hawaii: August 3, 2006.

STATE OF HAWAII

By PETER B. CARLISLE
Prosecuting Attorney

By 
SCOTT BELL
Deputy Prosecuting Attorney
City and County of Honolulu

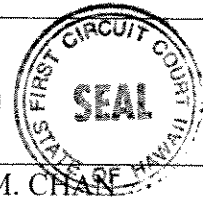
ORDER DIRECTING ISSUANCE OF
WRIT OF HABEAS CORPUS AD PROSEQUENDUM

GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that the Clerk of this Court be and hereby is instructed to issue the Writ of Habeas Corpus ad Prosequendum prayed for in the foregoing Application.

Dated at Honolulu, Hawaii: AUG 04 2006

DERRICK H.M. CHAN

DERRICK H. M. CHAN
Judge of the above entitled court



WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO: UNITED STATES MARSHAL, District of Hawaii, or His/Her Deputy; and
STATE OF HAWAII OFFICIALS

GREETINGS:

We command that you, UNITED STATES MARSHAL, District of Hawaii, or your Deputy, produce the body of JAY PADAYAO, who is being detained as a federal prisoner under your custody, to STATE OF HAWAII OFFICIALS on , August 16, 2006, and at any time or times deemed necessary until the conclusion of Criminal Nos. 05-1-0911 and 06-1-1384; and

STATE OF HAWAII OFFICIALS, upon taking custody of said Defendant, to:

1. execute Bench Warrant issued in Criminal No. 06-1-1384;
2. retain custody of the Defendant and he/she shall be confined with the Department of Public Safety, State of Hawaii, during the pendency of these proceedings;
3. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, on August 17, 2006;
4. bring the said Defendant before the Presiding Judge of the Circuit Court of the First Circuit at any time or times deemed necessary until the conclusion of Criminal Nos. 05-1-0911 and 06-1-1384;
5. retain custody of the Defendant and he/she shall be confined with the Department of Public Safety, State of Hawaii, during the pendency of these proceedings; and thereafter
6. return the said Defendant to the custody of the UNITED STATES MARSHAL, District of Hawaii, each time.

Upon completion of the above and conclusion of Criminal Nos. 05-1-0911 and 06-1-1384, it shall be deemed sufficient compliance with this writ.

WITNESS the Honorable DERRICK H. M. CHAN, Judge of the Circuit Court of the First Circuit at Honolulu, Hawaii, and the seal of said Court this 4 day of

August 2006.

S. H. Arakawa

Clerk, Circuit Court, First Circuit
State of Hawaii

DERRICK H.M. CHAN

Judge of the Circuit Court
First Circuit, State of Hawaii

